

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
January 14, 2014

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on January 14, 2014 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman Atwell, Councilmen Broderick, Day, Hemphill, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2014 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the minutes of the December 3, 2013, December 17, 2013, January 1, 2014 Continued Council meetings were approved as written, copies having been forwarded to all Council members on the following roll call vote:

In the affirmative: Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Abstain: Atwell.

Absent: None.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the minutes of the January 1, 2014 Re-organization Council meeting were approved as written, copies having been forwarded to all Council members on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMUNICATIONS:

LETTER FROM FREDERICK G. SHEA ADVISING OF HIS RETIREMENT AS THE SUPERINTENDENT OF WASTEWATER MANAGEMENT EFFECTIVE JUNE 1, 2014:

The Municipal Clerk/Administrator read the following letter dated January 7, 2014 to the Mayor and Council from Frederick G. Shea advising of his retirement as the Superintendent of Wastewater Management effective June 1, 2014:

Dear Mayor & Council

I am writing this letter to inform you of my intentions to officially retire on June 1, 2014. It is with deep regret that I leave my position as the Superintendent of the Wastewater Department but I feel the time is right for me and my family.

I would like to thank you and the members of the council for all the support you have given me over the years. I would also like to personally thank Borough Administrator Tom Rogers. It has been a pleasure working with him since the day he started here. I consider him my boss but also a great friend. He is definitely an asset to the community. I would also like to thank all the “girls” at Borough Hall for all the help they have given me and to the members of the DPW, especially Superintendent Mark Wellner. A special thanks goes to my assistant Bob Savoth who has always done everything I asked of him and more.

I am going to miss this Borough after all the years that I’ve worked here but I’m looking forward to starting a new chapter in my life.

Thank you again,

Frederick G Shea

On behalf of the Mayor and Council, Councilman Broderick wished Mr. Shea well on his retirement.

On motion by Councilman Broderick, seconded by Councilman Hemphill, this communication was ordered received and Mr. Shea’s retirement on June 1, 2014 was accepted with regret on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

LETTER FROM THE STATE OF NEW JERSEY COUNCIL ON AFFORDABLE HOUSING ADVISING OF COAH’S APPROVAL OF RUMSON BOROUGH’S AMENDED SPENDING PLAN, WITH A COPY OF THE RESOLUTION INCLUDED:

The Municipal Clerk/Administrator advised of a letter dated January 9, 2014 to the Mayor from The State of New Jersey Council on Affordable Housing advising of COAH’s approval of Rumson Borough’s Amended Spending Plan. A copy of the COAH resolution of approval was enclosed with the letter. The Municipal Clerk/Administrator stated that originally the Borough’s Spending Plan was submitted to COAH in 2003 and over the years there have been various revisions and has now finally been approved by COAH. He explained that this approval means that the Borough can move forward and have protection under the State from builder’s remedy lawsuits.

On motion by Councilman Rubin, seconded by Councilman Shanley, this communication was ordered received on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

LETTER FROM NAJARIAN ASSOCIATES ADVISING OF AN APPLICATION ON BEHALF OF ERIC T. GRAUSS TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A GANGWAY, FLOATING DOCKS AND BOATLIFT FOR PROPERTY LOCATED AT 73 WATERMAN AVENUE:

The Municipal Clerk/Administrator advised of a letter dated December 20, 2013 from Najarian Associates on behalf of Eric T. Grauss. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a permit to construct a gangway, fixed pier, floating docks and boatlift on property located at 73 Waterman Avenue.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2014-0114-21 AUTHORIZING THE APPOINTMENT OF DIANE DUNHAM AS A PART-TIME SCHOOL CROSSING GUARD:

2014-0114-21

Councilman Hemphill offered the following resolution and moved its adoption:

BE IT RESOLVED that the following citizen be appointed as a School Crossing Guard for the 2013-2014 School Year:

REGULAR

Diane Dunham

BE IT FURTHER RESOLVED that Regular School Crossing Guard shall be paid at a rate of \$30.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2014-0114-22 AUTHORIZING AN AGREEMENT WITH VISITING NURSE ASSOCIATION OF CENTRAL JERSEY TO PROVIDE PUBLIC HEALTH NURSING SERVICES FOR 2014:

2014-0114-22

Councilman Day offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the contract for the period of January 1, 2014 through December 31, 2014 with the Visiting Nurse Association of Central Jersey (VNACJ) to provide the Borough of Rumson with State required public health services including public health nursing services at a fee of \$1,000.00 for the year; and

BE IT FURTHER RESOLVED that payment will be contingent upon funding in the municipal budget; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be authorized to sign the aforementioned 2014 public health services contract with the Visiting Nurse Association of Central Jersey.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2014-0114-23 AUTHORIZING THE RUMSON BOROUGH STRATEGIC RECOVERY PLANNING REPORT APPROVAL:

2014-0114-23

Councilman Rubin offered the following resolution and moved its adoption:

**BOROUGH OF RUMSON
COUNTY OF MONMOUTH**

RESOLUTION

WHEREAS, on October 3, 2013, the Mayor and Borough Council of the Borough of Rumson entered into a Subrecipient Agreement with the State of New Jersey, Department of Community Affairs implementing grants under the Community Development Block Grant Disaster Recovery Program through the Post-Sandy Planning Assistance Grant Program; and

WHEREAS, the purpose of the grant is to prepare a Strategic Recovery Planning Report for the Borough of Rumson to address conditions created or exacerbated by Superstorm Sandy, identify approaches to rebuilding that will be more resistant to damage from future storms and encourage sustainable economic growth; and

WHEREAS, the Mayor and Borough Council of the Borough of Rumson accepted the bid of T & M Associates, planning consultant, for the preparation of the Strategic Recovery Planning Report for the Borough; and

WHEREAS, T & M Associates has prepared the Rumson Borough Strategic Recovery Planning Report, dated January 2014; and, the report sets forth a description of the storm impacts of Superstorm Sandy on the Borough, and an evaluation of the planning goals, strategies and priorities for actions that are necessary for public safety and economic recovery; and

WHEREAS, the Rumson Mayor and Borough Council have reviewed the Rumson Borough Strategic Recovery Planning Report with the planning consultant and the Borough Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that it does hereby approve the Rumson Borough Strategic Recovery Planning Report attached hereto as Exhibit A and authorizes T & M Associates to submit said report to the New Jersey Department of Community Affairs consistent with the terms and conditions of the grant agreement.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

1. Borough Hall will be closed on Monday, January 20th in observance of Dr. Martin Luther King, Jr.'s Birthday. However, there **will** be garbage collection on Monday, January 20th.

Have an enjoyable and safe holiday weekend.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	330.00	Monmouth County SPCA
\$	330.00	Animal Control Account
\$	22.66	JCP&L
\$	22.66	COAH Trust Fund
\$	991.00	Action Print Solutions
\$	439.00	AR Communications
\$	460.67	Atlantic Tactical of NJ Inc
\$	1,495.25	Bob's Uniform Shop
\$	56.00	Butch's Auto Car Wash Inc
\$	4,095.36	Delta Dental of New Jersey Inc
\$	135,613.13	Depository Trust Company
\$	638.00	Bryan Dougherty
\$	3,097.67	Giordano Halleran & Ciesla
\$	463.02	WW Grainger Inc
\$	1,212.00	Hess Corporation
\$	2,374.05	Hough Petroleum Corp
\$	154.05	Kepwell Natural Spring Water
\$	885.44	Level 3 Communications LLC
\$	203.44	Life Savers Inc
\$	600.00	Maaco Auto Painting
\$	4,239.52	McCarter & English LLP
\$	543.19	Mid-Atlantic Truck Centre Inc
\$	155,006.27	Monmouth Municipal JIF
\$	21,340.46	Treasurer County of Monmouth
\$	169.00	Monmouth Truck Equipment
\$	127.50	County of Monmouth
\$	9,068.80	New Jersey American Water
\$	232.74	NJ Natural Gas Co
\$	81,510.72	State of NJ Pensions/Active
\$	41,396.62	State of NJ Pensions/Retiree
\$	79.00	PEP Express Parts
\$	11,240.00	Reussille Law Firm LLC
\$	2,014,278.82	Rumson Elementary School District
\$	2,148,506.53	RFH Regional High School
\$	42.25	Seaboard Welding Supply Inc
\$	313.81	Staples Advantage
\$	599.20	Stavola Asphalt Co Inc
\$	2,195.00	Targeted Technologies LLC
\$	8,186.73	Treasurer State of NJ
\$	588.68	Trico Equipment Services LLC
\$	287.72	George Wall Lincoln
\$	4,652,730.64	Current Fund
\$	104.40	Guaranteed Plants & Florist
\$	104.40	Endowment Inc Account
\$	7,714.56	Athlete's Alley
\$	366.00	Zebras Inc
\$	8,080.56	Recreation Account
\$	69,242.75	Current Fund Appropriations
\$	4,583,487.89	Current Fund Appropriations
\$	330.00	Animal Control Fund Expenses
\$	104.40	Endowment Disbursements
\$	8,080.56	Recreation Disbursements
\$	22.66	Trust Fund – Other Expenses
\$	4,661,628.26	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor stated that he thought that most of the people in attendance were concerned with the Oxford House facility and he wanted the Borough Attorney to make a statement prior to the meeting being opened to the public for comments.

The Borough Attorney stated that we could not discuss the specifics of the Borough's Oxford House lawsuit because the hearing before the Superior Court was scheduled for Friday, January 17th. He stated that if the people saw the moving papers, they would notice that some of the things that he had discussed and others had discussed were put in Oxford House's certification and thrown back at us. He advised that we had to be careful of what we say and be judicious in our comments; it was pending litigation and he wouldn't want to discuss it anyway. He stated that the hearing was before Judge Cleary on Friday at 1:30 p.m. on the Borough's application for injunctive relief. The Borough Attorney stated that the attorney was from Little Egg Harbor and apparently did a lot of work for Oxford House on the east coast. He added that we have submitted our papers, they have submitted their papers and we haven't heard anything from Judge Cleary yesterday or today, so it seemed that everything was in order and we would have to see where it goes. The Borough Attorney stated that he didn't want to speculate on the outcome at this time, but stated that there were several possible outcomes that he wouldn't want to discuss publicly.

The Mayor explained that Oxford House could legally obtain the minutes from the Borough Council meetings and then afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 7:42 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator